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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,166	12/27/2000	Shunpei Yamazaki	0756-2235	4117

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EXAMINER

NGUYEN, DUNG T

ART UNIT PAPER NUMBER

2871

DATE MAILED: 12/18/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/748,166

Applicant(s)
Yamazaki

Examiner
Dung Nguyen

Art Unit
2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 26, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 109-132 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 109-132 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Sep 26, 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 20) ☐ Other:

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Response to Amendment

Applicant's amendment dated 09/26/2001 has been received and entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

1. Claims 109-132 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada, US Patent No. 6,114,715, in view of Kondo et al., US Patent No. 5,117,299 as stated in the previous office action.

It should be noted that Applicant has submitted a translation of Japanese Patent Application No. 9-092936 (filed 03/27/1997) which is not a claim foreign priority under Title 35 U.S.C 119.

2. Claims 109-116 and 121-128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al., US Patent No. 5,550,066, in view of Kondo et al., US Patent No. 5,117,299

Regarding claims 109-111, 113-115, 121-123 and 125-127, Tang et al. discloses, in figure 3, an electroluminescence display comprising at least one thin film transistor (T1) formed over a substrate (102), a first insulating layer (42), a second insulating layer (layer formed between 41 and ITO), a pixel electrode (ITO) and a light-emitting layer (82).

However, Tang et al. fails to disclose an organic resin based material for the first insulating layer as well as a diamond like carbon (DLC) material for the second insulating layer.

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Kondo et al. disclose that the hard carbon film which is diamond-like carbon film having SP^3 bonds (Fig. 2 and 3) can be used as the insulator layer (column 4, line 27). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the interlayer insulating by using carbon film which can be used as a light blocking layer, in order to provide the LCD device of low cost with no picture quality deterioration (column 2, line 41-44). In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an organic resin (e.g., polyimide, acryl resin) based material for the insulating layer as the insulating layer because the use of one conventional material over another merely depends on the desire of the manufacturer and/or the availability and practicality of the material for the chosen manufacturing process.

Regarding claims 112, 116, 124 and 128, the modification to Tang et al. disclose the claimed invention as described above except for the application of the display in a portable information processing terminal, a head mount display, a projector, etc. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a display as the display in a portable information processing terminal, a projector, etc, since it is commonly used in display devices which have limited battery lifetimes in order to reduce power consumption.

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Double Patenting

3. Claims 109-132 stand rejected under the judicially created doctrine of obviousness-type double patenting as stated in the previous office action.

4. Claims 109-132 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as stated in the previous office action.

Applicant's request that a formal response to the Double Patenting rejection be held in abeyance until an indication of allowability being received is acknowledged.

Response to Arguments

5. Applicant's arguments filed 09/26/2001 have been fully considered but they are not persuasive as noted above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423.



**KENNETH PARKER
PRIMARY EXAMINER**

DN
12/17/2001